

**FILED**

APR 9 - 2018

CLERK, U S DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY                      DEPUTY

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**MARK CONDITT**

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**A-18-M-207**

**ORDER**

On this date to be considered Government's Motion to Dismiss Complaint and for Limited Unsealing of Original Complaint Affidavit in the above styled cause, and after considering the same, the Court is of the opinion that it should be granted as modified herein. Accordingly,

**IT IS ORDERED** that the complaint in the above-styled cause is DISMISSED WITHOUT PREJUDICE;

**IT IS FURTHER ORDERED** that the arrest warrant in the above-styled cause is WITHDRAWN;

**IT IS FURTHER ORDERED** that the redacted Complaint Affidavit, attached under seal to the Government's motion, as modified by the Court, is hereby UNSEALED.

**IT IS FINALLY ORDERED** that the original unredacted Affidavit in support of the Criminal Complaint in the above cause is to remain SEALED until further order of this Court, for the reasons stated in the Government's motion and for the reasons stated below.

THE COURT FINDS that the public's presumptive qualified right of access to judicial records requires unsealing of the majority of the original Complaint Affidavit in this case.

However, the Court further finds that, with respect to the redacted portions of the Government's proposed Complaint Affidavit, the public's right of access is outweighed by interests favoring nondisclosure. These interests include the possible chilling effect on information provided by informants and witnesses to law enforcement; the potential hindrance to an ongoing law enforcement investigation if certain details are revealed at this time; the potential hindrance to law enforcement if certain investigative techniques are made public; innocent third parties' rights to privacy; and disclosure restrictions related to certain protected records and to personal identifying information, as imposed by law and the rules of this Court. The Government's proposed redacted Complaint made a good faith effort to redact information related to each of the above concerns and that which must be redacted in order to comply with rules of the Western District of Texas related to privacy (See e.g. Amended Privacy and Public Access to Electronic Files, dated October 29, 2004). However, the Court finds that some of the requested redactions relate to information that is now squarely within the public domain. As a consequence, the Court finds that some of the Government's requested redactions can instead be unredacted.

**IT IS FURTHER ORDERED** that the Government's original proposed Redacted Complaint Affidavit, attached to the Government's motion as Exhibit A, is hereby UNSEALED.

**SIGNED** this 9<sup>th</sup> day of April, 2018.



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MARK LANE  
UNITED STATES MAGISTRATE JUDGE